

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

BENNETT UGHAMADU,)	
)	
Movant,)	
)	
v.)	Case No. CIV-06-1359-F
)	
UNITED STATES SECURITIES)	
AND EXCHANGE COMMISSION,)	
)	
Respondent.)	

ORDER

Before the court is the motion of Bennett Ughamadu (“movant”) for an order pursuant to the customer challenge provisions of the Right to Financial Privacy Act of 1978, 12 U.S.C. 3401 *et seq.*, quashing the subpoena *duces tecum* issued by the United States Securities and Exchange Commission (“the Commission”) to Oklahoma Fidelity Bank (“OFB”) in Oklahoma City, Oklahoma. (Mr. Ughamadu’s motion, at doc. no. 1.) The Commission’s verified opposition in response to the motion was filed January 11, 2007. (Doc. no. 4.) Accordingly, Mr. Ughamadu’s motion is ready for determination.

Title 12 U.S.C. § 3410 (c) provides that “[i]f the court finds that the applicant [Mr. Ughamadu] is not the customer to whom the financial records sought by the Government authority [the Commission] pertain, or that there is a demonstrable reason to believe that the law enforcement inquiry is legitimate and a reasonable belief that the records sought are relevant to that inquiry, [the court] shall deny the motion or application....”

Mr. Ughamadu does not maintain that he has been misidentified, and nothing before the court indicates that he has been misidentified. Furthermore, the Commission’s response includes verified statements which show that the law

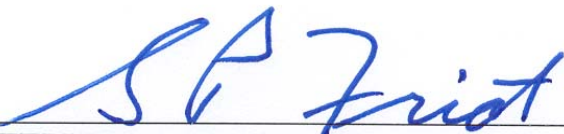
enforcement inquiry in question is a legitimate investigation into possible violations of the anti-bribery provisions of the Foreign Corrupt Practices Act. The Commission's response includes verified statements showing that the Commission has a reasonable and demonstrable belief that the records sought are relevant to that inquiry. *See*, for example, the Commission's statements at pp. 4-7 of its response. Pursuant to the statutory language quoted above, these showings require the court to deny Mr. Ughamadu's motion to quash the subpoena *duces tecum* issued by the Commission to Oklahoma Fidelity Bank. 12 U.S.C. § 3410(c).

After careful consideration, and based upon the parties' submissions and the entire record herein, and the Court having determined that the subpoena seeks documents that are relevant to a legitimate Commission investigation, Mr. Ughamadu's motion to quash the bank subpoena is **DENIED**.

It is FURTHER ORDERED that pursuant to 12 U.S.C. 3410(c), Oklahoma Fidelity Bank shall comply with the subpoena *duces tecum* issued by the Commission on December 7, 2006, calling for financial records relating to accounts numbers ****6762, ****3527, and *****3133, held in the name of Bennett Ughamadu at Oklahoma Fidelity Bank in Oklahoma City, by producing the records identified therein.

It is FURTHER ORDERED that service of this Order may be made by any officer of the Commission who is specifically appointed for that purpose pursuant to Rule 4(c), Fed. R. Civ. P.

DATED this 16th day of January, 2007.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE